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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 30th November, 1973:—

BILL No. 64 OF 1973

A Bill to amend the Untouchability (Offences) Act, 1955.

Be it enacted by Parliament in the Twenty-fourth year of the Republic of India as follows:—

1. (1) This Act may be called the Untouchability (Offences) Amendment Act, 1973.

(2) It shall come into force at once.

22 of 1955.

2. In section 2 of the Untouchability (Offences) Act, 1955 (hereinafter referred to as the principal Act), after clause (d) the following new clause shall be inserted, namely:—

“(dd) ‘practice of untouchability’ in relation to an individual or a company includes any action taken by such individual or company, whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise—

(i) which is intended for or supports treating of a person or class of persons as untouchable; and

(ii) which seeks to defend the practice of untouchability by offering philosophical, religious or any other justification for it.”

Short
title and
Comm-
ence-
ment.

Amend-
ment of
section
2.

- Amendment of section 3. 3. In section 3 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.", the words "shall be punishable with imprisonment which may extend to three years." shall be substituted.
- Amendment of section 4. 4. In section 4 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.", the words "shall be punishable with imprisonment which may extend to three years." shall be substituted.
- Amendment of section 5. 5. In section 5 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.", the words "shall be punishable with imprisonment which may extend to three years." shall be substituted.
- Amendment of section 6. 6. In section 6 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.", the words "shall be punishable with imprisonment which may extend to three years." shall be substituted.
- Amendment of section 7. 7. In section 7 of the principal Act, in sub-section (1),—
(i) after part (c), the following part shall be inserted, namely:—
“(d) by words, either spoken or written, or by signs or by visible representations or otherwise preaches, defends or justifies the doctrine or practice of untouchability in any form whatsoever;”;
(ii) for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.", the words "shall be punishable with imprisonment which may extend to three years." shall be substituted.
- Amendment of section 11. 8. In section 11 of the principal Act, for the words "punishable with both imprisonment and fine.", the words "punishable with imprisonment which may extend to five years and with a fine which may extend to five thousand rupees." shall be substituted.
- Amendment of section 15. 9. In section 15 of the principal Act, for part (b), the following part shall be substituted, namely:—
“(b) no offence under this Act shall be compounded.”.

STATEMENT OF OBJECTS AND REASONS

The speeches of Shankaracharya of Puri and Karpatriji Maharaj offering justification for the odious practice of untouchability on the basis of the so called *Shastras* has brought into sharp focus the fact that despite the constitutional prohibition, this practice not only has not disappeared from the country but that there are important people who do not hesitate to defend it on philosophical and religious grounds.

The Harijans suffer from many disabilities in the rural areas and in the urban centres in the matter of housing, drinking water and opportunities of public employment. Although the Ministry of Home Affairs had in a circular directed that the Harijans and Adivasis should get representation in the Central services in proportion to their population, report after report of the Commissioner for Scheduled Castes and Scheduled Tribes has pointed out that Harijans' and Adivasis' representation in Class I, Class II and Class III services is only 1.5, 3.5 and 7 per cent respectively.

In the rural areas, Harijans live in hovels situated in low-lying areas which generally got flooded during the rainy season. Although they pay the taxes and wells are constructed by the Government and local bodies for providing drinking water, in most villages Harijans dare not fetch water from these wells for the fear of their being ostracised and beaten up by the *savarna* villagers. On the top of this come these statements from Hindu religious leaders. If obscurantism among the Hindus is not curbed, it will only strengthen the obscurantism among the Muslims and other communities. It will also lead to social discard and destroyed the fabrics of our secular democratic State.

This Bill seeks to define the term 'practice of untouchability' by including in it justification on philosophical, religious and other grounds. It also seeks to enhance the punishable for this crime from 6 months to 3 years and also bars compounding of untouchability offences.

NEW DELHI;

MADHU LIMAYE.

The 15th June, 1973.

Bill No. 71 of 1973

A Bill further to amend the Representation of the People Act, 1951.

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1973.

Short
title and
com-
ment.

(2) It shall come into force at once.

43 of 1951.

2. After section 77 of the Representation of the People Act, 1951 (hereinafter referred to as the principal Act), the following new section shall be inserted, namely:—

Insertion
of new
section
77A.

“77A. Any candidate at an election to the House of the People or Legislative Assembly of a State, whose total income, including income from agriculture, is twenty-five thousand rupees or less per annum, shall be entitled to get a subvention of half the amount of the maximum election expenses prescribed in Rule 90 of the

Payment
of sub-
vention
to candi-
date.

Conduct of Election Rules, 1961, from the Central and State Government respectively within 3 days from the date of scrutiny:

Provided that a candidate who withdraws from the contest or fails to get elected or secures less than 20 per cent of the total valid votes cast in that election shall be required to return the said subvention to the Government, with 5 per cent interest, within a month of the declaration of the result:

Provided further that the candidate desiring to get the above subvention from the Government shall furnish the security and guarantee for repayment of this subvention in the circumstances set out in the preceding proviso in the manner prescribed in this behalf under the Rules.”.

Insertion
of new
section
168A.

3. After section 168 of the principal Act, the following new section shall be inserted, namely:—

Allot-
ment of
symbols.

“168A. (1) The Election Commission shall allot symbols to recognised political parties.

(2) The recognised political parties shall be divided into two categories: multi-State parties which have obtained recognition in more than two States and State parties which have obtained recognition only in one or two States.

(3) The Election Commission shall prescribe a certain minimum of the total valid votes cast, not exceeding 5 per cent, in the preceding election for the purposes of recognition.

(4) No recognised multi-State party or recognised State party shall be denied the symbol which has been previously allotted to it by the Election Commission except on the following grounds:—

(a) that the office bearers of that party have by communication in writing demanded allotment of a different symbol to that party;

(b) that the said party has passed a resolution to merge itself in another political party and has communicated the decision to the Election Commission in writing;

(c) that the said party has by resolution of its supreme organ decided in favour of dissolution; and

(d) that the said party has failed to secure in the preceding election the minimum number of votes prescribed by the Election Commission for being entitled to recognition for the purposes of allotment of symbols:

Provided that a group or section of the recognised party which has been expelled from the parent body or has seceded from that parent body, or has seceded or been expelled from a united party formed as a result of merger and duly recognised by the Election Commission, shall not be entitled to claim the symbol previously allotted to the parent body or the united party merely on the ground that the majority of the Legislators belonging to the parent body or of the party

which had merged are members of the organisation set up by the ex-pelees or seceders.

(5) The decisions of the Election Commission which are contrary to the principles set out in this section shall stand cancelled and the allotment of symbols shall take place in accordance with the provisions of this section for the purposes of all future elections, including bye-elections.”.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to modify the existing Election law in two vital respects.

The present Act does not provide for Government assistance to candidates without means. Elections are daily becoming more and more expensive and the poor but deserving candidates find it extremely difficult to compete with the rich and the affluent who are not so deserving. This makes the power of money an important factor in our politics and distorts the principle of popular representation in our Assemblies and Parliament. Proposed new section 77A seeks to make equality before the law a reality as against its being merely a paper right by providing for financial help to candidates without means under certain conditions.

According to this new provision, candidates who have incomes below Rs. 25,000, shall be entitled to get from the Government half of the maximum permissible expenses. The provisos to this new section, however, ensure that this provision is not abused and is availed of only by serious contenders without means, by laying down two conditions, viz., that the candidates receive at least 20 per cent of the total valid votes and give adequate security and guarantee of repayment in the event of their failure to fulfil this condition.

The new section 168A seeks to remove the uncertainty in the matter of allotment of election symbols by laying down in the law itself the principles which shall govern the decisions in this regard. Decisions of the Election Commission in some of the allotment of symbol cases and, especially in the controversy over the allotment of the "pair of yoked bullocks" symbol to the rival Congresses put a premium on disintegration and not on consolidation of political forces. The new provision ensures that breakway groups consisting of expelees or seceders cannot claim the allotted symbol of the parent body or the united party on the basis of their so-called numerical strength without reference to justice and fairplay.

NEW DELHI;

MADHU LIMAYE.

The 15th June, 1973.

FINANCIAL MEMORANDUM

It is difficult to visualise the total number of candidates who will contest elections to the House of the People and the State Assemblies and qualify for subvention. Leaving aside the bye-elections and mid-term polls, this expenditure will have to be computed on a five-yearly basis. Since the conditions of subvention are very strict, the amounts involved will not exceed Rs. 15 million for the five-yearly period, that is to say, Rs. 3 million per year.

BILL No. 63 OF 1973

A Bill further to amend the State Bank of India Act, 1955.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the State Bank of India (Amendment) Act, 1973.

Short
title and
com-
mence-
ment.

(2) It shall come into force at once.

26 of 1955.

2. In section 17 of the State Bank of India Act, 1955, (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be added, namely:—

Amend-
ment of
section 17.

“(3) The Central Board shall include representatives of the depositors of the State Bank of India, employees thereof, farmers, workers and artisans, to be elected in such manner as may be specified in the regulations framed under section 50.”.

3. In section 19 of the principal Act, in sub-section (1),—

Amend-
ment of
section 19.

(i) in clause (d), for the word “six”, the word “four” shall be substituted;

(ii) after clause (f), the following new clause shall be added, namely:—

“(g) one director each to be elected by the depositors of the Bank, employees thereof, farmers and artisans in such manner as may be prescribed in the regulations framed under section 50.”.

Amend-
ment of
section 21.

4. In section 21 of the principal Act, in sub-section (1),—

(i) in clause (c), for the word “six”, the word “two” shall be substituted;

(ii) after clause (e), the following new clause shall be added, namely:—

“(f) one member each to be elected by the depositors of the bank, employees thereof, farmers and artisans, from that region.”.

Insertion
of new
sections
43A and
43B.

5. After section 43 of the principal Act, the following new sections shall be inserted, namely:—

Right of
emplo-
yees to
carry on
trade
Union
activities.

“43A. Notwithstanding anything contained in any law for the time being in force, including section 36AD of the Banking Laws (Amendment) Act, 1968, the employees of the State Bank of India shall have the right to carry on their legitimate trade Union activities in accordance with the Constitution.

58 of 1968.

Right of
emplo-
yees to
become
members
of poli-
tical
parties.

43B. The employees of the State Bank of India below the rank of the officers responsible for policy making shall have the right to become members of political parties of their choice.”.

STATEMENT OF OBJECTS AND REASONS

When Lok Sabha was discussing the Banking Companies (Acquisition and Transfer of Undertakings) Bill, 1969, the Government felt compelled to accept my amendment to the effect that there should be representation, among others, for bank employees, artisans, farmers and depositors on the Boards of Directors of the nationalised banks.

The State Bank of India is the first nationalised bank in the country. It became a public undertaking as far back as 1955 when the Imperial Bank was nationalised under an Act of Parliament.

When the law provides that 14 other banks in the public sector should have representatives from among the bank employees, farmers and depositors, it would be highly anomalous to let the State Bank of India, the first and premier nationalised banking institution, to carry on its affairs without the benefit of participation by those very elements which are vitally concerned with the progress of the banking system in this country.

This Bill seeks to bring the State Bank of India legally on par with the 14 other recently nationalised banking concerns. I say "legally" advisedly because the principle of my amendment to the Banking Companies (Acquisition and Transfer of Undertakings) Act has not been properly implemented as yet.

The Bill also seeks to exempt the State Bank employees from the reactionary provision of section 36AD of the Banking Laws (Amendment) Act, 1968, and to restore to the employees of this foremost nationalised banking institution their trade union rights conferred by our Constitution.

NEW DELHI;

MADHU LIMAYE.

The 15th June, 1973.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 2 and 3 of the Bill empower the Central Government to make regulations to provide for the election of representatives of depositors etc. to the Central Board. The delegation of legislative power is of a normal character. Such power already vests in the Central Government under section 50 of the parent Act.

BILL NO. 83 OF 1973

A Bill further to amend the Aligarh Muslim University Act, 1920.

BE it enacted by Parliament in the Twenty-fourth Year of the Republic of India, as follows:—

1. (1) This Act may be called the Aligarh Muslim University (Amendment) Act, 1973.

Short
title and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

4 of 1920

2. In the Aligarh Muslim University Act, 1920 hereinafter referred to as the principal Act, in the long title, the words "establish and" shall be omitted.

Amend-
ment of
long
title.

3. In the Preamble to the principal Act, the words "establish and" shall be omitted.

Amend-
ment of
Preamble.

4. In section 2 of the principal Act, in clause (h), the words "and established by the Muslim minority in India, primarily to cater to the needs of Muslim community" shall be added at the end.

Amend-
ment of
section
2.

Insertion
of new
section
3A.

Estab-
lishment
of Univer-
sity by
Muslim
minority
of India.

5. After section 3 of the principal Act, the following new section shall be inserted, namely:—

“3A. Notwithstanding any judgement, decree or order of any court or tribunal to the contrary, the Aligarh Muslim University shall be deemed to have been established by Muslim minority of India as an educational institution of its choice and shall be governed as provided in article 30 of the Constitution.”.

STATEMENT OF OBJECTS AND REASONS

The Aligarh Muslim University (Amendment) Act, 1972 (34 of 1972) has caused grave apprehensions amongst the minorities, particularly the Muslim minority, with regard to the future of their rights guaranteed under article 30 of the Constitution. It is, therefore, expedient to amend the Aligarh Muslim University Act, 1920 to allay the fears of the minorities.

Hence this Bill.

NEW DELHI;
The 10th August, 1973.

C. H. MOHAMED KOYA.

S. L. SHAKDHER,
Secretary-General.

